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10/714,019	11/14/2003	Chantal Jubinville	SGI-5	1966

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EXAMINER	
RENDON, CHRISTIAN E	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,019	JUBINVILLE ET AL.	
	Examiner	Art Unit	
	Christian E. Rendón	3714	

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on August 27, 2007 in which applicant has responded to claim rejections. Claims 1-52 are still pending.

Claim Objections

Claims 1, 8, 15, 24, 33 and 42 are still objected to because of the following informalities: first subset containing at least one and less than a predetermined maximum number. From the way it is stated, it is impossible for the subset to ever contain more then one number. Therefore the Office believes that the applicant meant to say 'at least one or less than' to imply the player has the freedom to choose one or more numbers up to the maximum number. Furthermore the applicant's explanation of the Boolean (logic) operation of 'and' is incorrect. If one wishes to suggest a subset contains at least one game indicia, the correct phrase is 'at least one or less than' since 'at least' suggest a minimum and no ceiling to the subset. Boolean 'and' implies both statements 'X and Y' are true therefore the phrase 'at least one and less than' can only suggests a subset of one. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US 6,830,514 B2) in view of DeFrees-Parrott et al. (US 6,913,534 B2).

1. Regarding claims 1, 8, 15, 22-24, 33, 42, and 51-52, Meyer discloses a lottery game with a predetermined maximum number of unique game indicia (Meyer: col. 6, lines 40-43). The player starts off by deciding how many drawings or subsets they wish to play on one ticket (Meyer: col.4, lines 13-15; Fig 1, 12). This decision determines how many numbers or subsets the player will

choose per column (Meyer: Fig. 1, 19A-C). Each column is considered to contain game indicia that are unique since they are non-repeating numbers (Meyer: col. 9, lines 29-30). Therefore each subset will contain unique game indicia that are not contained in the previous subset once chosen and the number of columns represents the number of game indicia in a subset. A gaming administrator, a computer controlled random number generator (Meyer: col. 8, lines 27-30) generates a drawing subset that is transmitted for viewing on electronic displays or terminals at more then one location (Meyer: col. 9, lines 56-57) for the player to compare to their chosen numbers. If the first drawing results in a win, a player can either collect their winnings or wait until the other drawing numbers are revealed (Meyer: col. 10, lines 15-18) since future wins will result in increasing the payout amount (Meyer: col. 10, lines 43-44).

2. Meyer discloses a host computer that can compare the 'winning numbers' with a player's choices and connected to a network of terminals but fails to mention any of the features of the terminals except for receiving and displaying the 'winning numbers' of the current drawing. DeFrees-Parrott discloses a slot machine or terminal connected to a host computer through a network. When a player activates the lottery game (DeFrees-Parrott: col. 8, line 63), the player is given the chance to use the interface to input their lottery numbers (DeFrees-Parrott: col. 9, line 1). The host computer decides or randomly picks the 'winning numbers' (DeFrees-Parrott: col. 5, lines 65-66), which are compared with the player's numbers by the terminals (DeFrees-Parrott: col. 12, lines 1-3).

3. It would have been obvious to one of ordinary skill in the art to combine Meyer's lottery game with DeFrees-Parrott's game system as an effective system for offering the game. Meyer offers gaming administrators the freedom to customize variables like draw frequency and time period of those drawings (Meyer: col. 9, lines 8-9). Therefore Meyer's lottery game is suitable for the system disclosed by DeFrees-Parrott since it is able to offer any type of lottery game (DeFrees-Parrott: col. 3, lines 58-62). DeFrees-Parrott's system is more centralized and powerful then the one disclosed by

Meyer since it offers more functional terminals that can creates lottery tickets without losing the importance of the administrative computer who still decides the 'winning numbers.' Therefore one skilled in the art would create this art combination as an upgrade to the one already disclosed by Meyer for a more centralized system by reducing the number of host computer locations offering tickets now that the terminals can offer them.

4. Regarding claims 2, 9, 16, 25, 34 and 43, Meyer discloses a "Quick Pick" option that allows the game administrator to automatically choose the number of drawings and game indicia (Meyer: col. 6, line 67; Fig. 1, 25).

5. Regarding claims 3, 10, 17, 26, 35 and 44, DeFrees-Parrott discloses that the terminals are able to accept a player's lottery number through the interface (DeFrees-Parrott: col. 9, line 1). Meyer discloses offering a player a choice of the number of game indicia they will select.

6. Regarding claims 7, 14, 21, 32, 41 and 50, DeFrees-Parrott discloses that a player has to fulfill certain predetermined conditions in order to play a progressive jackpot lottery game (DeFrees-Parrott: col. 13, line 5). Meyer discloses a lottery game that increases the prize amount each time a player plays and wins consecutively (Meyer: Fig. 5) therefore the system is progressive.

7. Regarding claim 4, 11, 18, 27, 36 and 45, there is no a restriction on the size of the play matrix (Meyer: col. 4, lines 49-52) as disclosed by Meyer.

8. Regarding claims 5-6, 12-13, 19-20, 28-29, 37-38 and 46-47, Meyer discloses that the prize amount increase as a player continues to win one drawing or subset after another (Meyer: col. 10, lines 43-44). Therefore it is possible for a player to achieve a total prize winning that is equal to the combined winnings of the first and second subset, and this total will always be greater than the winnings of just the first and second subset.

9. Regarding claims 30-31, 39-40 and 48-49, the system disclosed by Meyer is able to determine which first prize, if any, the player will receive. This decision is based on how many game indicia were

played (Meyer: Fig. 5); therefore a player can only win the larger of the first prizes when they play only with two game indicia (Meyer: col. 6, line 53).

Response to Arguments

Applicant's arguments filed August 27, 2007 have been fully considered but they are not persuasive. Meyer discloses a lottery game that compares a player's numbers to several different randomly generated combinations regardless the results of the previous randomly generated combination (Meyer: col. 2, lines 48-61). Therefore the art discloses multiple chances for a player to win off of one wager. At the beginning of the game a player is instructed to "mark as many numbers as you selected above OR select Quick Pick" (Meyer: fig. 1). This statement implies that the player has three options: to select all of the number for themselves, allow the computer or operator to select the numbers for them (Meyer: col. 7, lines 1-3) or both as in each group selecting a portion of the numbers. The examiner makes this conclusion based on the definition of the Boolean logical operator 'OR' and the fact the specifications do not explicitly imply otherwise. Since the columns are viewed as a set of numbers and the player must first decide how many subsets he/she wants to wager on, a player can choose to decide all or some of the numbers. Therefore the art offers the possibility of randomly choosing a second, third, fourth or fifth subset, in other words a supplemental entry that contains a total number of indicia equal to the maximum number of indicia minus the first subset. Furthermore since all of the player's choices are made from the same set and each new subset is created from a smaller set making each subset unique. Hence the system compares at multiple times a group of chosen numbers comprising the first, second, third, fourth and possibly fifth subset. On a final note the examiner disagrees with the applicant's allegations that the art combination destroys the references since DeFrees-Parrott discloses using any type of lottery game (DeFrees-Parrott: col. 3, lines 58-62) within the patented terminal.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian E. Rendón whose telephone number is 571-272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian E Rendón
Examiner
Art Unit 3714

CER

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER